



DEPARTMENT OF THE ARMY
HEADQUARTERS, UNITED STATES ARMY, EUROPE, AND SEVENTH ARMY
HEADQUARTERS ALLIED LAND COMPONENT COMMAND HEIDELBERG
UNIT 29351
APO AE 09014-9351



AEAGA-MPPD

23 April 2005

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Army in Europe Sexual Assault Prevention and Response Program

This memorandum expires in 1 year.

1. References. Enclosure 1 lists references.

2. Purpose. The Army in Europe Sexual Assault Prevention and Response Program is being implemented to help prevent sexual assault in the Army in Europe through increased awareness and training. This program also explains commander responsibilities and provides information on resources available to help commanders if sexual assault occurs in their unit.

3. General. Sex crimes and sexual assault are incompatible with our Army Values, standards of professionalism, and discipline. The Army guidance on sexual assault, which will be incorporated in the next update of AR 600-20, reinforces this. Allegations of sexual assault will be investigated promptly and impartially and resolved expeditiously. Commanders at all levels are responsible for providing a safe and healthy environment for those in their charge, and must take action to prevent sexual assault, protect and support victims, and hold offenders accountable by taking all appropriate administrative and judicial actions based on the facts and circumstances of each case.

4. Background. Rape is the second most-reported felony in the Army in Europe. Victims and offenders tend to be junior Soldiers. In addition, 69 percent of rape cases involve alcohol consumption, 50 percent of rape victims know their attackers, and 48 percent of sexual assault and rape cases occur on post in the barracks or Government quarters. Paragraph 9 provides more facts about sexual assault.

5. Program Phases. The Army in Europe Sexual Assault Prevention and Response Program has three phases:

a. Phase I: Prevention. This phase is continuous and concentrates on alerting everyone—commanders, unit members, family members, and organizations—of sexual assault issues and our responsibilities for preventing sexual assaults. This phase also involves deterring would-be offenders by ensuring that the consequences of sexual assault are known and the judicial process is understood. Enclosure 2 provides tips for preventing sexual assault.

b. Phase II: Crisis. This phase begins with an agency's notification that a sexual assault has occurred, and concentrates on providing expeditious care and support to the victim as well as informing the victim of his or her rights (encl 3). The victim must be referred to the sexual assault response coordinator (SARC) as soon as possible. The SARC will explain to the victim the victim advocacy services available and advise the victim of his or her options for restricted and unrestricted reporting. The victim may then decide to accept the offer of victim advocacy services or choose to seek help without the presence or assistance of a victim advocate (VA). Depending on the type of reporting selected by the victim (restricted or unrestricted), agencies are available to provide care and support for the victims of sexual assault, including the military police (MP), the Criminal Investigation Command (CID), the servicing staff judge advocate (SJA), the local medical treatment facility (MTF), the unit chaplain, and the unit chain of command. Also critical to this phase are the proper and immediate actions by military law-enforcement personnel in conducting a thorough investigation to document all evidence and witness statements pertaining to the crime. On notification that a sexual assault has occurred in a unit, the unit commander will consider the case as genuine, treat those involved in the case fairly, and not pass judgment on them. This phase is completed once the victim begins phase III.

c. Phase III: Recovery. This phase begins after the victim's immediate health concerns have been addressed and the victim has been informed of the availability of VA services for sexual assault. The goal of this phase is the rehabilitation of the victim and providing victim / witness liaison support needed to keep the victim informed of ongoing investigative and legal processes related to the assault. Local MTFs, in coordination with commanders, will develop a long-term physical and mental-care plan for eligible victims. This phase is continuous and will last as long as the victim indicates that he or she requires care.

6. Victim Advocacy Support. The victim's use of advocacy services is optional; however, commanders must ensure that victims have access to a well-coordinated, responsive sexual assault victim advocacy program that is available 24 hour a day, 7 days a week, both in garrison and in deployed environments. In garrisons, victims may choose to use the services of either an installation victim advocate (IVA) or a unit victim advocate (UVA).

a. The three echelons of sexual assault VAs in the Army's program in garrison are as follows:

(1) Sexual Assault Response Coordinator. The SARC is responsible for coordinating the local implementation of the Army in Europe Sexual Assault Prevention and Response Program. The SARC will assign either an IVA or a UVA based on the desires of the victim.

(2) Installation Victim Advocates. IVAs work directly with the SARC, victims of sexual assault, UVAs, and other installation-level response agencies.

AEAGA-MPPD

SUBJECT: Army in Europe Sexual Assault Prevention and Response Program

(3) Unit Victim Advocates. UVAs are Soldiers who are trained to provide limited victim advocacy as a collateral or additional duty. UVAs will be placed on an on-call roster maintained by the SARC and will be notified in advance of the specified times they are expected to be on call. During this on-call period, each UVA will stay in contact with the SARC in case a victim requires UVA services.

b. The two echelons of VAs in deployed environments are as follows:

(1) Deployable Sexual Assault Response Coordinators. Deployable SARCs are Soldiers trained and responsible for coordinating the unit sexual assault prevention and response program as a collateral or additional duty in a specified area of a deployed theater.

(2) Unit Victim Advocates. UVAs are Soldiers who are trained to provide victim advocacy as a collateral or additional duty.

7. Sexual Assault Hotline. A sexual assault hotline is available in the European theater to provide immediate response to victims of sexual assault. The hotline is staffed around the clock by the Heidelberg Hospital Emergency Room staff. Based on the needs and desires of the caller, information is provided and community resources that can provide desired services are identified.

a. Toll-free in Germany: 00-800-0277-2858.

b. DSN 371-3550/3551, civilian 06221-17-3550/3551 (0049-6221-17-3550/3551 when calling from outside Germany).

8. Sexual Assault Incident Data Collection. The USAREUR G1 will operate a Sexual Assault Incident Data Collection System to collect, record, and maintain data on sexual assault cases. SARCs will be the primary POCs for reporting incidents of sexual assault. Once a SARC has been notified of a sexual assault, the SARC will notify the USAREUR G1 Sexual Assault Prevention and Response Program Manager by telephone or e-mail about the incident within 24 hours. The SARC will then submit a sexual assault incident data collection report to the USAREUR G1 Sexual Assault Prevention and Response Program Manager within 48 hours (encl 4).

9. Facts and Trends.

a. Sexual assault is an act of power and violence, not sexual desire.

b. Acquaintance or “date rape” (where the victim knows the attacker) occurs most often.

c. Rapes and other sexual assaults are often unreported or not reported immediately, since victims are often ashamed or afraid no one will believe them.

d. Rapes and other sexual assaults can occur anywhere and at anytime, and can happen to anyone.

e. Rapes and other sexual assaults often involve a set of similar circumstances. Alcohol consumption and unlocked barracks rooms are the most common factors.

f. Sexual assaults generally occur from Thursday through Sunday between 2200 and 0600.

g. Most sexual assault victims are female, but a male can also be sexually assaulted.

h. Suspects tend to be—

(1) In the grades of private through staff sergeant.

(2) 17 to 26 years old.

(3) Unmarried.

i. Victims tend to be—

(1) Family members (daughters).

(2) In the grades of private through specialist.

(3) 17 to 26 years old.

(4) Unmarried.

j. Trend analysis and awareness training can help reduce the threat of sexual assault for all personnel.

10. Definitions.

a. Sexual Assault. Sexual assault is a crime. Sexual assault is defined as intentional sexual contact characterized by use of force, physical threat, or abuse of authority, or when the victim does not or cannot consent. Sexual assault includes rape, nonconsensual sodomy (oral or anal sex), indecent assault (unwanted, inappropriate sexual contact or fondling), or attempts to commit these acts. Sexual assault can occur without regard to the gender, spousal relationship, or age of the victim.

AEAGA-MPPD

SUBJECT: Army in Europe Sexual Assault Prevention and Response Program

(1) “Consent” will not be deemed or construed to mean the failure by the victim to offer physical resistance. Consent is not given when a person uses force, the threat of force, or coercion, or when the victim is asleep, incapacitated, or unconscious.

(2) Other sex-related offenses are defined as all other sexual acts or acts in violation of the Uniform Code of Military Justice (UCMJ) that do not meet the definition of sexual assault or the definition of sexual harassment as stated in DOD Directive 1350.2. Examples of other sex-related offenses could include indecent acts with another and adultery.

b. Victim Advocate. The VA is an individual who is designated, trained, and in place to quickly respond to assist a victim of sexual assault. The VA’s mission is to support, assist, and guide the victim through the medical, investigative, and judicial processes. The VA, however, must not make decisions or speak for the victim, or interfere with the legitimate operations of the medical, investigative, and judicial processes. Use of a VA is not mandatory. The victim will be informed of the availability of VA services and decide whether to accept the offer of services. A victim may choose to seek help without the presence or assistance of a VA.

(1) Installation Victim Advocates. The IVA is a VA who is embedded in Army Community Service and works under the auspices of the Family Advocacy Program (FAP) in their community of assignment.

(2) Unit Victim Advocate. The UVA is a Soldier who is appointed on orders to perform VA duties in his or her unit of assignment, whether deployed or in garrison. Commanders at battalion level and above must appoint at least two Soldiers to serve as UVAs. Paragraph 12 provides criteria for selecting UVAs.

NOTE: When in garrison, victims have the option of seeking assistance from an IVA or UVA, based on their preference.

c. Sexual Assault Response Coordinator. The SARC is an individual who serves as the designated program coordinator of victim support services to coordinate and oversee the local implementation and execution of the Army in Europe Sexual Assault Prevention and Response Program. SARCs are embedded in Army Community Service and work under the auspices of the FAP in their community of assignment. The SARC should be contacted immediately when an incident of sexual assault occurs. The SARC will explain the VA services available to the victim and assign a VA (either an IVA or UVA) if desired by the victim.

d. Deployable Sexual Assault Response Coordinator. The deployable SARC is a Soldier assigned at brigade and higher levels of command who is designated and trained to assume SARC duties during deployments. Deployable SARCs should be prepared to assume the executive agent role for coordinating the sexual assault response at a level commensurate with the level of command to which they are assigned (for example, from brigade through the theater of operation). Paragraph 12 provides criteria for selecting deployable SARCs.

e. Reporting Sexual Assault. An individual who is sexually assaulted may report the incident in a restricted or unrestricted manner. On notification of a sexual assault, the SARC will advise the victim regarding his or her options for restricted and unrestricted reporting. Enclosure 5 provides more information on reporting incidents of sexual assault.

(1) Restricted Reporting. Restricted reporting allows a sexual assault victim to confidentially disclose the details of the assault to the SARC or a healthcare provider, and to receive medical treatment, counseling, and victim advocacy, without triggering the official investigative process. As a general rule, the SARC, the assigned VA, and healthcare providers may not disclose confidential communications from a sexual assault victim who desires restricted reporting. However, the SARC must still report general information concerning the incident, without information that could reasonably lead to the personal identification of the victim, to command officials within 24 hours after the incident. In addition, the SARC, the assigned VA, and healthcare providers may disclose confidential information to specific individuals for specific purposes under the circumstances described in enclosure 5.

(2) Unrestricted Reporting. A Soldier who is sexually assaulted and desires medical treatment, counseling, and an official investigation of his or her allegation should use normal reporting channels (for example, the chain of command or law-enforcement channels) or report the incident to the SARC. Details regarding the incident will be released only to those personnel who have a legitimate need to know, including the VA, the victim and the alleged offender's chain of command, medical personnel, and law-enforcement officials.

f. Victim / Witness Liaison. The victim / witness liaison is the primary POC at SJA offices through whom victims and witnesses may obtain information and help with obtaining available victim/witness services, including where victims may receive emergency medical care and social service support; programs that are available to provide treatment, counseling, and other support to the victim; and an explanation of the military criminal justice system, the role of victims and witnesses in the process, and additional information concerning the legal process or a case in general. The victim / witness liaison provides information to the VA on legal matters and ongoing legal action related to the sexual assault.

g. Sexual Assault Review Board (SARB). The SARB is a multidisciplinary board that provides executive oversight, procedural guidance, and feedback concerning the sexual assault prevention and response program. The SARB will be convened each month by the garrison commander, or at the brigade level or higher in a deployed environment. The SARB will review cases and procedures to improve processes, system accountability, and victim access to high-quality services. Enclosure 6 provides more information on SARBs.

h. Collateral Misconduct. Many incidents of sexual assault involve circumstances where the victim may have engaged in some form of misconduct (for example, underage drinking or other alcohol-related offenses, adultery, fraternization, and other violations of regulations or orders). This behavior may be considered collateral misconduct for which disciplinary action, if any, may be deferred by unit commanders until the final disposition of the sexual assault case.

11. Responsibilities.

a. The USAREUR G1 will—

(1) Serve as the proponent for the Army in Europe Sexual Assault Prevention and Response Program (all phases).

(2) Ensure that sexual assault prevention and response training is incorporated in the inprocessing training center (ITC) program of instruction (POI) (phase I).

(3) Require personnel returning from Operation Iraqi Freedom, Operation Enduring Freedom, and other deployed missions to receive sexual assault prevention and response training as one of their reintegration tasks (phase I).

(4) Plan, coordinate, and execute inprogress review briefings to the CG, USAREUR/7A, every 6 months on the Army in Europe Sexual Assault Prevention and Response Program (phase I).

(5) In coordination with the HQ USAREUR/7A staff, develop and maintain an Army in Europe Sexual Assault Prevention and Response Program Web site (all phases).

(6) Establish a Sexual Assault Prevention and Response Program Manager position in the Office of the Deputy Chief of Staff, G1, HQ USAREUR/7A, to monitor the execution of the Army in Europe Sexual Assault Prevention and Response Program (phase I).

(7) Develop and provide oversight of the Sexual Assault Incident Reporting System (all phases).

(8) Provide oversight of the development of sexual assault prevention and response training support packages (TSPs) to meet the training requirements directed in this memorandum for commander and leader training courses, unit-level training, and predeployment training (phase I).

AEAGA-MPPD

SUBJECT: Army in Europe Sexual Assault Prevention and Response Program

(9) In coordination with the USAREUR G3 and Seventh Army Training Command (7ATC), provide an instructor for commander and leader training courses to give sexual assault prevention and response training (phase I).

b. The Army in Europe Sexual Assault Prevention and Response Program Manager, Office of the Deputy Chief of Staff, G1, HQ USAREUR/7A, will—

(1) Be responsible for Army in Europe Sexual Assault Prevention and Response Program management functions (all phases).

(2) Coordinate with HQ USAREUR/7A staff offices to establish policy that reduces sexual assault, streamlines reporting, and produces cohesive procedures to support victims, investigative procedures, and all aspects of the Department of the Army Sexual Assault Prevention and Response Program (phase I).

(3) In coordination with the USAREUR G3 and 7ATC, develop TSPs and conduct sexual assault prevention and response training (phase I).

(4) In coordination with the IMA-E, develop POIs and other support material for sexual assault awareness and prevention training for SARCs and UVAs (phase I).

(5) Ensure periodic evaluations and assessments are conducted of the program (all phases).

(6) Oversee and maintain the Sexual Assault Incident Reporting System (all phases).

(7) Oversee and maintain the Sexual Assault Incident Reporting System (all phases).

(8) Monitor sexual assault data and trends (all phases).

c. The USAREUR G3 will—

(1) In coordination with the HQ USAREUR/7A staff and 7ATC, continue to include sexual assault prevention and response training in the POIs for all commander and leader training courses (for example, the Pre-Command Course, Rear Detachment Commander's Course, Company Commander's / First Sergeant's Course, and Primary Leader Development Course) (phase I).

(2) Ensure that all primary training publications include requirements for sexual assault prevention and response training (for example, AE Reg 350-1, the Command Training Guidance, and annex T of operation orders) (phase I).

AEAGA-MPPD

SUBJECT: Army in Europe Sexual Assault Prevention and Response Program

(3) Be prepared to task resources as necessary based on input from the USAREUR proponent (G1) to address shortfalls identified in support of the Army in Europe Sexual Assault Prevention and Response Program (all phases).

d. The USAREUR G8, in coordination with HQ USAREUR/7A staff offices, IMA-E, and the United States Army Europe Regional Medical Command (ERMC), will be prepared to expedite and provide resources to support the Army in Europe Sexual Assault Prevention and Response Program (all phases).

e. The Office of the Chaplain, HQ USAREUR/7A, will—

(1) Advise commanders on ministry resources available to assist victims (all phases).

(2) Develop training and distribution methods for material from the Department of the Army Chief of Chaplains that provides information on the religious support of traumatized individuals by unit ministry teams (UMTs) (phase I).

(3) Develop and execute training on sexual assault during USAREUR Religious Support Operation Leadership Training (phase I).

(4) Sustain UMT training on supporting sexual assault victims, the dynamics of sexual assault, and referral options (phase I).

(5) Provide pastoral and spiritual support to victims of sexual assault as requested by the victim (phase II).

(6) Direct Family Life chaplains to prioritize long-term pastoral care to meet requests from victims of sexual assault (phase III).

(7) Encourage victims of sexual assault to seek medical attention, regardless of their self-perceived medical needs (phase II).

(8) Explain the availability of VA services to victims of sexual assault (phase I).

(9) Encourage victims of sexual assault to seek appropriate assistance and counseling, and help them contact individuals or organizations that specialize in assisting victims of sexual assault if they request such assistance (phase II).

AEAGA-MPPD

SUBJECT: Army in Europe Sexual Assault Prevention and Response Program

f. The Office of the Chief, Public Affairs (OCPA), HQ USAREUR/7A, will—

(1) Plan and support full internal and external coverage of the Army in Europe Sexual Assault Prevention and Response Program and related activities with community subordinate tactical public affairs officers (PAOs) and the IMA-E PAO (phase I).

(2) Ensure the USAREUR homepage allows easy access to issues and links relating to the Army in Europe Sexual Assault Prevention and Response Program (phase I).

(3) Execute a command information and public affairs program that articulates Army in Europe approaches and ensures all Soldiers fully understand this issue. This should include providing appropriate directives, documentation, and information to the chain of command and aggressive public affairs spots on American Forces Network, in the Stars and Stripes, and in other media (phase I). (Enclosure 7 provides the USAREUR Public Affairs Plan.)

(4) In coordination with the USAREUR G1; the USAREUR G3; the USAREUR G6; the Office of the Judge Advocate (OJA), HQ USAREUR/7A; the Office of the Provost Marshal (OPM), HQ USAREUR/7A; ERMIC; and Visual Information Services, Europe (VISE), Media; act as liaison for update to the Army in Europe Sexual Assault Prevention and Response Program video (phase I).

g. The OJA will—

(1) Coordinate, publish, and maintain USAREUR policy regarding the Victim / Witness Assistance Program (phase I). (Enclosure 8 is a copy of Army in Europe Command Policy Letter 31, Victim / Witness Assistance Program.)

(2) Develop a standard briefing to address UCMJ actions for sexual assault and the legal and career consequences for offenders (phase I).

h. SJAs of USAREUR major subordinate commands or personnel under the supervisory authority of the SJA will—

(1) Advise commanders on their roles and responsibilities in cases of sexual assault in their unit (all phases).

(2) Ensure that victims are informed about the status of the case's legal actions and other pertinent details, including courtroom procedures, in accordance with victim witness liaison procedures in AR 27-10, chapter 18 (phase III).

AEAGA-MPPD

SUBJECT: Army in Europe Sexual Assault Prevention and Response Program

(3) Advise the victim that his or her testimony, participation, or both may be requested in proceedings other than a court-martial or civil trial (for example, pretrial appointments) (phase III).

(4) In coordination with the unit command, minimize events that could bring the victim and the alleged offender into contact with each other (for example, avoid scheduling pretrial appointments for victims and alleged offenders at the same time or at times immediately following each other; avoid placing victims and alleged offenders in the same waiting room) (phase III).

(5) Explain the availability of VA services to victims and notify the installation SARC if the victim requests those services (phase II).

(6) Implement the local victim / witness assistance program and immediately refer the victim to the victim / witness liaison for services as prescribed by AR 27-10 (phase II).

(7) Support the submission of sexual assault data for input into the Sexual Assault Incident Reporting System to the extent permitted by applicable confidentiality and privilege rules (all phases).

(8) Provide a representative with appropriate experience and level of expertise to serve on the SARB (phase I).

i. The OPM will—

(1) Distribute guidance from the Office of the Provost Marshal General to garrison provost marshals (phase I).

(2) In coordination with CID, provide immediate response and necessary support to all reported cases of sexual assault (phase II).

(3) Ensure that the SJA for the major subordinate command with jurisdiction over the alleged offender is notified when a sexual assault occurs.

(4) Ensure garrison provost marshals provide necessary training to MP personnel responding to sexual assault incidents (for example, training in sensitivity to victims of sexual assault, victim assistance and resources, and related law-enforcement investigative responses) (phase I).

AEAGA-MPPD

SUBJECT: Army in Europe Sexual Assault Prevention and Response Program

(5) Ensure garrison provost marshals notify all victims and witnesses of their rights through a completed victims and witnesses of crime form (DD Form 2701) and implement procedures established by the SARC for sexual assaults for incidents that CID does not investigate (phase II).

(6) Ensure garrison provost marshals track the timely return of DA Form 4833 from commanders for incidents that CID does not investigate (phase III).

(7) In coordination with CID, develop and execute a feedback mechanism to keep the USAREUR G1 aware of all incidents of sexual assault, issues and ongoing actions (all phases).

(8) Provide status reports to the SARC on investigative activity and other pertinent details to the extent that it will not jeopardize an ongoing investigation (all phases).

(9) Maintain and report monthly statistics on sexual assault incidents for the strategic readiness update (all phases).

(10) In coordination with CID, monitor and update trends on sexual assault victims and offenders annually or when trends indicate a significant change (phase I).

(11) Ensure garrison provost marshals help commanders assess their barracks to prevent incidents of sexual assault (phase I).

(12) Support the submission of sexual assault data into the Sexual Assault Incident Reporting System (phase III).

(13) Ensure garrison provost marshals provide a representative with appropriate experience and level of expertise to serve on the SARB (phase I).

j. The Commander, 202d Military Police Group (CID), will—

(1) In coordination with MP officials, provide immediate response and necessary support to all reported cases of sexual assault (phase II).

(2) Ensure that the SJA for the major subordinate command with jurisdiction over the alleged offender is notified when a sexual assault occurs.

(3) Ensure CID personnel have the required training for responding to sexual assault incidents (for example, training in sensitivity to victims of sexual assault, victim assistance and resources, and related law-enforcement investigative responses) (phase I).

AEAGA-MPPD

SUBJECT: Army in Europe Sexual Assault Prevention and Response Program

(4) Ensure CID personnel notify all victims and witnesses of their rights through a completed victims and witnesses of crime form (DD Form 2701) and implement procedures established by the SARC for sexual assaults (phase II).

(5) Track the timely return of DA Form 4833 from commanders (phase III).

(6) In coordination with the OPM, develop and execute a feedback mechanism to keep the USAREUR G1 aware of all incidents of sexual assault, issues, and ongoing actions (all phases).

(7) Follow procedures in CID regulations that support the role of the SARC and provide status reports to the SARC on investigative activity and other pertinent details to the extent that it will not jeopardize an ongoing investigation (all phases).

(8) Inform local equal opportunity advisers (EOAs) of any sexual assault cases where the victim indicates that sexual harassment was a precursor to the assault (all phases).

(9) Maintain and periodically report statistics on sexual assault incidents (all phases).

(10) In coordination with the OPM, monitor and update trends on sexual assault victims and offenders annually or when trends indicate a significant change.

(11) In coordination with the OPM, provide advice to commanders on barracks conditions (phase I).

(12) Support the submission of sexual assault data into the Sexual Assault Incident Reporting System (phase III).

(13) Provide a representative with appropriate experience and level of expertise to serve on the sexual assault review board (SARB) (phase III).

k. The ERMCM will—

(1) Maintain the overall medical system management of sexual assaults (all phases).

(2) Be prepared to provide subject-matter experts and train-the-trainer support to USAREUR major subordinate commands to help commanders provide sexual assault awareness training in their units (all phases).

(3) Provide counseling for sexual assault victims and their families while observing all standards of medical care and confidentiality (all phases).

AEAGA-MPPD

SUBJECT: Army in Europe Sexual Assault Prevention and Response Program

(4) Develop and execute individualized, long-term mental and physical health-care plans for victims of sexual assault (phase III).

(5) In conjunction with the USAREUR G1 and 1st Personnel Command (1st PERSCOM), make recommendations on permanent change of station (PCS) reassignments for victims recovering from sexual assault (phase III).

(6) Maintain the sexual assault hotline in accordance with USAREUR requirements (all phases).

(7) Implement regulatory guidance and protocols for the medical response and rape / forensic evidence collection kit for sexual assault incidents that include consideration of host-nation jurisdiction (phase III).

(8) Be responsible for the overall evaluation and assessment of victim support services provided by medical treatment facilities (MTFs) (all phases).

(9) Ensure the training of appropriate medical personnel in handling the medical, medicolegal, and psychological aspects of assisting sexual assault victims (all phases).

(10) Develop compliance records with each ERMCMTF and clinic commander to indicate how sexual assault cases will be reported within 24 hours and monitor the effectiveness of these reporting procedures (phases I and II).

(11) Provide guidance to MTF commanders on which medical treatment information may be provided to the SARC to help monitor cases and the SARB process (all phases).

(12) Ensure that all sexual assault victims are aware of VA services and notify the SARC of incidents of sexual assault (all phases).

(13) Support the submission of sexual assault data for input into the Sexual Assault Incident Reporting System to the extent permitted by applicable standards of medical care and confidentiality (phase III).

(14) Provide a representative with appropriate experience and level of expertise to serve on the SARB (all phases).

(15) In accordance with guidance from the United States Army Medical Command and the Office of the Surgeon General, implement the new confidentiality mandate (all phases).

AEAGA-MPPD

SUBJECT: Army in Europe Sexual Assault Prevention and Response Program

1. Commanders of USAREUR major subordinate commands will—

(1) Develop action plans as necessary to implement the requirements identified in the Army in Europe Sexual Assault Prevention and Response Program (all phases).

(2) Ensure redeploying Soldiers receive sexual assault prevention and response training as one of their reintegration tasks (phase I)

(3) Conduct a command climate survey within 90 days after assuming command and annually thereafter according to AR 600-20 (phase I).

(4) Develop unit contingency plans for sexual assault incidents that specifically address both victim and offender issues (phase I).

(5) Ensure all Soldiers attend and participate in unit-level sexual assault prevention and response training annually.

(6) Ensure all Soldiers are informed of the legal consequences and career implications of committing acts of sexual assault (phase I).

(7) In coordination with SJAs, post policy letters and Bell Sends messages in common areas that address sexual assault and its consequences (phase I).

(8) Identify Soldiers who have potential drinking problems (heavy drinking is a leading precursor to sexual assault) (phase I).

(9) Review barracks safety policy and procedures and concentrate on reducing unnecessary risks to Soldiers residing in the barracks (phase I). Enclosure 9 provides tips on how to make barracks safe.

(10) Include training on sexual assault preventive measures and barracks safety for new arrivals during unit inprocessing (phase I). Enclosure 10 provides a physical security crime-prevention (sexual assault) checklist.

(11) In conjunction with the appropriate medical and legal authorities, respond immediately to and provide support as needed to handle reported cases of sexual assault (phase II). Enclosure 11 provides a “battle drill” for commanders to follow when a sexual assault has been reported in their units.

(12) Complete DA Form 4833 after a sexual assault occurs to record actions taken against identified offenders (phase III).

NOTE: Commanders will send DA Form 4833 with supporting documents to the local military law-enforcement agency within 45 days after the date the incident is reported. If a commander is unable to complete the DA Form 4833 within 45 days due to pending disciplinary or administrative action, the commander must prepare a memorandum explaining the reasons for the delay and send it to the local law-enforcement agency (phase III). The commander must then complete and submit DA Form 4833 as soon as the pending disciplinary or administrative action is complete.

- (13) Ensure UVAs are appointed at battalion and equivalent-level units (phase I).
- (14) Ensure deployable SARCs are appointed at brigade- and higher-level units (phase I).
- (15) Ensure deployable SARCs and UVAs receive the required training before performing their duties (phase I).
- (16) Ensure deployable SARCs and UVAs deploy with their assigned units (phase I).
- (17) Ensure all deploying Soldiers receive sexual assault prevention and response training as part of their predeployment training (phase I).
- m. IMA-E will—
 - (1) Ensure garrisons, in coordination with tenant commanders, inspect facilities for security and safety, and prioritize the resolution of deficiencies in each military community (phase I).
 - (2) Incorporate the Army in Europe Sexual Assault Prevention and Response Training video into the ITC POI (phase I).
 - (3) In coordination with ERMIC, provide family readiness groups (FRGs) sexual assault prevention and response informational materials on request to help educate FRG members on issues such as date rape, trends, facts, actions to take if an incident occurs, and community resources available to help victims (phase I).
 - (4) In conjunction with rear detachment commanders (RDCs) and ERMIC, offer sexual assault prevention and response training to spouses as part of the reintegration process (phase I).
 - (5) In conjunction with RDCs and ERMIC, provide sexual assault prevention and response training to redeploying Soldiers as part of their reintegration processing (phase I).

AEAGA-MPPD

SUBJECT: Army in Europe Sexual Assault Prevention and Response Program

(6) Train employee-assistance program coordinators in the referral process for incidents of sexual assault (phase I).

(7) Design and implement the SARC program (all phases).

(8) Develop and implement training for SARCs.

(9) Establish and publish an integrated resource directory for the SARC program that systemically incorporates medical, legal, chaplaincy, and investigative resources, including civilian resources (phase I).

(10) Ensure Soldiers and their families have access to a well-coordinated, highly responsive victim advocacy program (all phases).

(11) Ensure ASG and garrison commanders conduct a SARB each month (phase I).

(12) Ensure the role of the chain of command, especially the commander, in handling cases of sexual assault is clearly defined by providing training to commanders within 45 days after they assume command (phase I).

(13) Provide commanders with information to manage their own sexual assault prevention and response programs (phase I).

(14) Identify resource requirements and prepare budget requests to train SARCs, IVAs, and UVAs (phase I).

(15) Develop SARC and UVA training guides with protocols and procedures that include appropriate levels of assistance (phase I).

(16) Support the submission of sexual assault data from SARCs, IVAs, and UVAs into the Sexual Assault Incident Reporting System (all phases).

n. The Department of Defense Dependents Schools - Europe will—

(1) Help the FAP and ERMIC by identifying suspected and alleged cases of child sexual abuse and referring those cases to the local FAP officer or MTF for appropriate intervention and treatment (all phases).

(2) Provide training on and encourage student awareness of child sexual abuse through the established health curriculum at all grade levels (phase I).

AEAGA-MPPD

SUBJECT: Army in Europe Sexual Assault Prevention and Response Program

(3) Provide school-based training for teachers and school nurses on the detection, intervention, and reporting of child sexual abuse (phase I).

(4) Coordinate with ERMIC to request counselors for children affected by sexual abuse (phase II).

(5) Coordinate with the United States Army Medical Department Center and School for school nurses and counselors to participate in sexual assault intervention training.

12. Deployable SARC and UVA Selection Criteria. Because of the sensitivity and complexity of working with sexual assault victims, Soldiers who are to fill deployable SARC and UVA positions must be carefully selected. These Soldiers are likely to become involved in highly charged, emotionally stressful situations in assisting victims of sexual assault. As a result, all candidates must be properly screened and complete training in responding appropriately to victims of sexual assault.

a. Deployable SARCs and UVAs must—

(1) Be recommended by the chain of command.

NOTE: As a minimum, the first lieutenant colonel or battalion-level equivalent in the chain of command must approve the recommendation.

(2) Be deployable.

(3) Be able to respond to a sexual assault incident at any time when on call.

(4) Have demonstrated outstanding duty performance as indicated by the individual's evaluation reports.

(5) Have stability in personal affairs and no recent history of domestic violence or severe personal problems, significant indebtedness, excessive use of alcohol, or any use of illegal drugs.

(6) Obtain a waiver from HQDA in instances if they have withdrawn from the Human Reliability or Personal Reliability Program during the 2 years preceding their nomination.

(7) Not have been punished under the provisions of the UCMJ during the 5 years preceding the nomination.

(8) Have a minimum of 2 years of service remaining.

- (9) Have at least 1 year retainability in the unit.

NOTE: For short-tour areas, the Soldier must have at least 6 months retainability in the unit. The retainability requirements may not be waived.

- (10) Be appointed on orders to the collateral or additional duty of the deployable SARC or UVA. Enclosure 12 provides the format for the appointment orders.

- (10) Be available to attend the SARB as required.

- (11) Successfully complete required training after being selected as a deployable SARC or UVA before performing his or her responsibilities.

b. Deployable SARCs must be NCOs in the grade of sergeant first class or higher or officers in the rank of captain, chief warrant officer 3, or higher.

c. UVAs must be NCOs in the rank of staff sergeant or higher or officers in the grade of first lieutenant, warrant officer 2, or higher.

13. Training. Progressive, sequential, and tailored training is the key to eliminating a climate that fosters sexual assault and hinders reporting. Focused training instills a climate of prevention and awareness, victim support and protection, and offender accountability. All leaders and Soldiers must be properly trained in this highly sensitive area. In Europe, sexual assault prevention and response training will be part of annual unit training, inprocessing, leader development and professional military education programs, predeployment and reintegration training, and responder training.

a. General. Training must be tailored to the appropriate audience. Persons conducting training must use formal TSPs on sexual assault prevention and response. Critical points to stress during training include—

- (1) The Army's policy on sexual assault.
- (2) Definitions and examples of sexual assault.
- (3) Resources to assist victims of sexual assault.
- (4) Sexual assault prevention and the appropriate responses.
- (5) Chain-of-command responsibilities for enforcing the Army's policy on sexual assault.

- (6) Risk factors and issues in the unit setting, including in deployed environments.
- (7) Timely reporting of sexual assault.
- (8) Privileged and confidential communications (restricted and unrestricted reporting).
- (9) Victim rights.
- (10) Potential first-responder POCs that should be contacted to initiate victim assistance, including healthcare personnel, law enforcement personnel, chaplains, the chain of command, legal services personnel, FAP personnel, the equal opportunity adviser or program manager, the SARC, the IVA or UVA, and social work services personnel.

b. Unit-Level Training. All Soldiers will attend and participate in unit-level sexual assault prevention and response training annually. The commander will incorporate sexual assault prevention training into the overall unit-training plan. Training will be scenario-based and use real-life situations to demonstrate the entire cycle of reporting, response, and accountability procedures. Training should include audience and group participation, and use the Consideration of Others (CO2) format with vignettes that encourage group discussion.

c. Inprocessing. Sexual assault prevention and response training will be included in the ITC POI. Persons conducting training must use formal TSPs on the Army in Europe Sexual Assault Prevention and Response Program, augmented to include POCs and telephone numbers specific to their geographical area.

d. Leader Development and Professional Military Education. Sexual assault prevention and response training will be included in the POIs for all commander and leader training courses (for example, the Pre-Command Course, Rear Detachment Commander's Course, Company Commander/First Sergeant Course, and Primary Leader Development Course). Training should stress the seriousness of sexual assault and provide leaders with knowledge, awareness, and prevention techniques regarding sexual assault that they can apply to their daily leadership responsibilities and their personal lives.

e. Predeployment. As part of predeployment training, Soldiers will be given information to increase awareness of the customs of the host country and any coalition partners, in an effort to help prevent sexual assault in deployed environments. Training must—

- (1) Include risk-reduction factors that are tailored to the specific deployment location.

(2) Concentrate on the specific foreign countries or areas anticipated for deployment, and include customs, mores, religious practices, and a brief history of those foreign countries or areas.

(3) Address the cultural customs and mores of coalition partners.

(4) Address procedures for reporting sexual assault to ensure that Soldiers are aware of the full range of options available to them and have knowledge of the location and contact information for response agencies in the deployed theater.

(5) Identify support systems that will be available during the deployment, including the chain of command, UVAs, deployable SARCs, healthcare providers, CID or MP officials, SJAs, and chaplains.

f. Reintegration. Personnel returning from Operation Iraqi Freedom, Operation Enduring Freedom, and other deployed missions will receive sexual assault prevention and response training as one of their reintegration tasks.

g. First-Responder Training. First responders to sexual assault incidents will be trained to ensure that any person requiring assistance will receive the same high quality and standard of care throughout Europe. First-responder training will include but not be limited to sensitivity to sexual assault victims, timeliness of care, collection of forensic evidence, provision of general medical care, VA assistance, confidentiality, reporting guidelines and procedures, and the availability of mental-health resources for victims. First responders include—

(1) Chaplains.

(2) Healthcare personnel.

(3) Judge advocate officers.

(4) Law-enforcement personnel and criminal investigators.

(5) SARCs.

(6) VAs.

14. Handling Cases of Sexual Assault.

a. Confidentiality must be maintained and rumors controlled throughout the entire investigative process. At no time before the completion of the investigation will the commander or unit members discuss issues related to the incident, the alleged offender, or the victim outside official channels.

b. When the commander considers it appropriate to reassign the offender or the victim to another unit, the commander will work expeditiously with the individuals involved and with 1st PERSCOM to coordinate reassignment options.

c. Unit commanders have the authority to determine (in a timely manner) how best to dispose of alleged collateral misconduct, including any decision to defer disciplinary actions regarding a victim's collateral misconduct until after the final disposition of the sexual assault case. When considering which corrective actions may be appropriate to the victim's collateral misconduct, commanders and supervisors must remember the critical importance of responding appropriately to encourage sexual assault reporting and continued cooperation, while avoiding actions that may further traumatize the victim.

d. If during the course of a victim's recovery (phase III) it is determined that a victim is not medically or emotionally prepared for a PCS move because of the trauma inflicted during a sexual assault, ERMC will inform 1st PERSCOM and request that this be considered in determining when to reassign the individual.

e. Circumstances associated with a reported sexual assault incident may ultimately result in a determination that the administrative separation of the victim is in the best interests of the Armed Forces, the victim, or both. Regardless of the reason for initiating the separation action, each victim is entitled to a full and fair consideration of his or her military service and particular situation. It is vital that all such separation actions and ultimate determinations be consistent, appropriate, and reviewed at the appropriate level of command.

f. After consulting with their SJAs, commanders may post the outcome of sexual assault cases and the results of Article 15 punishments on the unit bulletin board to make Soldiers aware of the career consequences of sexual assault. The social security numbers and other relevant privacy information of the individuals involved must be blocked out if these items are posted.

15. Enclosures. The enclosures to this memorandum provide more information on sexual assault and the Army in Europe Sexual Assault Prevention and Response Program. The Army in Europe Sexual Assault Prevention and Response Program Web site at <http://www.per.hqusareur.army.mil/sexualassault> provides additional resources that may be used to increase awareness and provide assistance to victims.

AEAGA-MPPD

SUBJECT: Army in Europe Sexual Assault Prevention and Response Program

16. Summary.

a. The purpose of the Army in Europe Sexual Assault Prevention and Response Program is to eliminate sexual assault from the Army in Europe. All commanders must embrace and adhere to the guidelines of this program. Our effectiveness and success depend on three key elements: a vigorous public affairs and command information program, an aggressive training program, and concerned leaders taking an active role. Encourage your subordinate leaders to aggressively execute their inherent responsibilities outlined in this program.

b. We must empower our first-line supervisors to lead in the tradition of the Warrior Ethos, and we must support them, through our enduring and vocal confirmation of Army Values, with the strong command leadership they deserve. In the end, we will aggressively attack this problem from both sides: the criminal who perpetrates the crime as well as the victim who is in need of compassionate and responsive care.

12 Encls



B. B. BELL
General, US Army
Commanding

DISTRIBUTION:
D (AEPUBS)

Enclosures

1. References
2. Sexual Assault Prevention Tips
3. Victim's Rights
4. Sexual Assault Incident Data Collection Report
5. Reporting Sexual Assault
6. Sexual Assault Review Board
7. Public Affairs Plan
8. Army in Europe Command Policy Letter 31, Victim/Witness Assistance Program
9. Commander's Tips for Creating a Safe Barracks
10. Commander's Physical Security Crime (Sexual Assault) Prevention Checklist
11. Commander's "Battle Drill"
12. Format for Appointment Orders

REFERENCES

DOD Publications

Uniform Code of Military Justice

DOD Directive 1030.1, Victim and Witness Assistance

DOD Regulation 6025.18, DOD Health Information Privacy Regulation

Department of Defense Education Activity Regulation 2050.9, Department of Defense Education Activity Family Advocacy Program Process and Procedures for Reporting Incidents of Suspected Child Abuse and Neglect (http://www.dodea.edu/foia/iod/pdf/2050_9.pdf)

Memorandum, Under Secretary of Defense for Personnel and Readiness, 12 November 2004, subject: Collateral Misconduct in Sexual Assault Cases (JTF-SAPR-001) (<http://www.dtic.mil/whs/directives/corres/memos/miscondt.pdf>)

Memorandum, Under Secretary of Defense for Personnel and Readiness, 22 November 2004, subject: Increased Victim Support and A Better Accounting of Sexual Assault Cases (JTF-SAPR-002) (<http://www.dtic.mil/whs/directives/corres/memos/vicspt.pdf>)

Memorandum, Under Secretary of Defense for Personnel and Readiness, 22 November 2004, subject: Data Call for CY04 Sexual Assaults (JTF-SAPR-003) (<http://www.dtic.mil/whs/directives/corres/memos/datacall.pdf>)

Memorandum, Under Secretary of Defense for Personnel and Readiness, 22 November 2004, subject: Review of Administrative Separation Actions Involving Victims of Sexual Assault (JTF-SAPR-004) (<http://www.dtic.mil/whs/directives/corres/memos/adminact.pdf>)

Memorandum, Under Secretary of Defense for Personnel and Readiness, 15 December 2004, subject: Commander Checklist for Responding to Allegations of Sexual Assault (JTF-SAPR-005) (<http://www.dtic.mil/whs/directives/corres/memos/check.pdf>)

Memorandum, Under Secretary of Defense for Personnel and Readiness, 13 December 2004, subject: Department of Defense (DoD) Definition of Sexual Assault (JTF-SAPR-006) (<http://www.dtic.mil/whs/directives/corres/memos/define.pdf>)

Memorandum, Under Secretary of Defense for Personnel and Readiness, 13 December 2004, subject: Training Standards for DoD Personnel on Sexual Assault Prevention & Response (JTF-SAPR-007) (<http://www.dtic.mil/whs/directives/corres/memos/train.pdf>)

Memorandum, Under Secretary of Defense for Personnel and Readiness, 17 December 2004, subject: Response Capability for Sexual Assault (JTF-SAPR-008) (<http://www.dtic.mil/whs/directives/corres/memos/response.pdf>)

Memorandum, Deputy Secretary of Defense, 16 March 2005, subject: Confidentiality Policy for Victims of Sexual Assault (JTF-SAPR-009)

(<http://www.dtic.mil/whs/directives/corres/memos/OSD%2004154-05.pdf>)

Memorandum, Under Secretary of Defense for Personnel and Readiness, 17 December 2004, subject: Collaboration with Civilian Authorities for Sexual Assault Victim Support (JTF-SAPR-010) (<http://www.dtic.mil/whs/directives/corres/memos/collab.pdf>)

Memorandum, Under Secretary of Defense for Personnel and Readiness, 17 December 2004, subject: Training Standards for Sexual Assault Response Training (JTF-SAPR-011) (<http://www.dtic.mil/whs/directives/corres/memos/trainstd.pdf>)

Memorandum, Under Secretary of Defense for Personnel and Readiness, 17 December 2004, subject: Training Standards for Pre-Deployment Information on Sexual Assault and Response Training (JTF-SAPR-012) (<http://www.dtic.mil/whs/directives/corres/memos/predeploy.pdf>)

Army Regulations

AR 27-10, Military Justice

AR 190-13, The Army Physical Security Program

AR 190-45, Law Enforcement Reporting

AR 195-1, Army Criminal Investigation Program

AR 195-2, Criminal Investigation Activities

AR 380-67, The Department of the Army Personnel Security Program

AR 600-8-2, Suspension of Favorable Personnel Actions (Flags)

AR 600-20, Army Command Policy

AR 600-85, Army Substance Abuse Program (ASAP)

AR 608-18, The Army Family Advocacy Program

Other References

FM 3-19.13, Law Enforcement Investigations

FM 3-19.30, Physical Security

FM 100-14, Risk Management

TB MED 293, Procedures for Medicolegal Examinations in Alleged Sex Crimes

The Army Chief of Staff Policy on Sexual Assault, 7 April 2004

Army Handbook, Sexual Assault - Prevention and Response

Family Advocacy Program Victim Advocate Manual

Army in Europe Publications

Bell Sends Message #16-05, Sexual Assault Prevention and Response Program, 15 March 2005

Memorandum, HQ USAREUR/7A, AEAGA-M, 28 July 2004, subject: Sexual Harassment and Sexual Assault

Web Sites

U.S. Department of Justice Web site

<http://www.ojp.usdoj.gov/vawo/welcome.html>

Army Sexual Assault Prevention and Response Program Web site

<http://www.sexualassault.army.mil/consideration.cfm>

United States Army Office of the Surgeon General HOOAH 4 HEALTH Web site

<http://www.hooah4health.com/prevention/injurytrauma/sexualassault.htm>

National Sexual Violence Resource Center Web site

<http://www.nsvrc.org>

Army in Europe Sexual Assault Prevention and Response Web site

<http://www.per.hqusareur.army.mil/sexualassault>

Forms

DD Form 2701, Initial Information for Victims and Witnesses of Crime

DD Form 2873, Military Protective Order (MPO)

DA Form 268, Report to Suspend Favorable Personnel Actions (Flag)

DA Form 3881, Rights Warning Procedure/Waiver Certificate

DA Form 4833, Commander's Report of Disciplinary or Administrative Action

AE Form 600-8-109A, USAREUR Individual Reintegration Checklist

SEXUAL ASSAULT PREVENTION TIPS

Rape and other sexual assaults are sensitive subjects that many people prefer not to think about. Awareness, however, is essential to preventing these crimes.

To protect yourself, always be aware of your surroundings, be alert, and trust your instincts. Leave if a situation or place makes you uncomfortable or uneasy.

Do not drink too much alcohol. Alcohol and other drugs cloud a person's judgment and are often a factor in rape cases. Rapes often occur in barracks rooms or quarters where an individual is so drunk that she or he forgets to lock the door, passes out in the room, and is victimized by another occupant of the barracks or a guest.

Sexual assault victims usually were by themselves, under the influence of alcohol and new to their surroundings, or under the influence of alcohol while partying with other barracks occupants in their rooms with the door to the room left open or unlocked.

Below are tips to reduce your risk of being raped or assaulted.

Going Out

- Go out in a group, never alone. Look after one another.
- Come home with the same group.
- Be suspicious of individuals aggressively attempting to separate you from your group or battle buddy.
- If you consume alcohol, do so in moderation. Never leave your drink unattended.
- If you go on a date with someone you do not know very well, tell your battle buddy what your plans are.
- When you go out with someone, communicate clearly with that person to ensure he or she knows your limits up front. Both verbal and nonverbal (body language) communication can be used to ensure the message is understood.
- If you do go out alone, ensure someone knows where you are going and when you expect to return.
- Be alert! Walk with confidence and purpose.
- Avoid walking or jogging alone, especially at night. Stay in well-traveled, well-lighted areas.
- Wear clothes and shoes that give you freedom of movement.

- Be careful if anyone in a car asks you for directions. If you answer, keep your distance from the car.
- Have your key ready before you reach the door of your home, car, or office.
- If you think you are being followed, change direction and head for open stores, restaurants, theaters, or a lighted house.

Indoors

- Lock your doors. If you have ground-floor windows, make sure they are locked. Use the wide-angle peephole in the door if it has one, and keep entrances well-lighted.
- Never open your door to strangers. Check the identification of any sales or service people before letting them in. Do not be embarrassed to telephone for verification.
- Beware of isolated spots, including laundry rooms, underground garages, parking lots, and offices after business hours. Walk with a friend, coworker, or security guard, particularly at night.
- Know your neighbors so you have someone to call or go to if you are scared.
- If you come home and see a door or window open or broken, do not go in. Call the military or host-nation police from a public telephone or neighbor's home.

In Your Car

- Park in areas that will be well-lighted and well-traveled when you return.
- Always lock your car when you get in and when you get out.
- Look around your car and in the back seat before you get in.
- If your car breaks down, lift the hood, lock the doors, and turn on your flashers. Use a "Call Police" banner or flares. If someone stops, roll the window down slightly and ask the person to call the police or a tow service.
- Never hitchhike and never pick up hitchhikers.

Sexual assault is about power, control, and anger. It is an act of violence intended to control and degrade using sex as a weapon. It can happen to anyone, and rapists can be anyone—fellow barracks occupants, coworkers, neighbors, delivery persons, and people who are ugly, attractive, outgoing, or shy. Individuals who commit sexual assaults are often friends or family members, and tend to commit this crime again and again until they are caught.

Victims should report rape or any sexual assault to the military police, their unit chain of command, or to a medical treatment facility. The sooner you report it, the greater the chances the rapist will be caught.

Victims should preserve all physical evidence and not shower, bathe, change clothes, or throw any clothing away until the police or a rape counselor says it is okay to do so. Remember, rape is not your fault. Do not accept the blame for being an innocent victim.

More information on sexual assault and domestic violence is available on the U.S. Department of Justice Web site at <http://www.ojp.usdoj.gov/vawo/welcome.html> and the National Sexual Violence Resource Center Web site at <http://www.nsvrc.org>.

VICTIM'S RIGHTS

1. The right to be treated with fairness and with respect for their dignity and privacy.
2. The right to immediate and effective medical care and attention, including long-term follow-up treatment, if eligible.
3. The right to be reasonably protected from the accused offender.
4. The right to be notified of court proceedings.
5. The right to be present at all public court proceedings related to the offense (unless the court determines otherwise).
6. The right to talk with the attorney for the Government in the case.
7. The right to restitution, if appropriate.
8. The right to information about the conviction, sentencing, imprisonment, and release of the offender from custody.
9. The right, if desired, to confidential or restricted reporting of the sexual assault incident.

SEXUAL ASSAULT INCIDENT DATA COLLECTION REPORT

(Instructions for completing this report are on page 4 of this enclosure.)

1	Date of the report (MM/DD/YYYY): _____
2	Date that the incident occurred (MM/DD/YYYY): _____
3	Time that the incident occurred: _____
4	Type of report: ___Initial ___Update ___Closure
5	Incident report number: _____
6	<div>Victim information:</div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30%;"> a. Status: ___Active duty ___Reservist on active duty (1)___National Guard (2)___Reserve ___Civilian </div> <div style="width: 30%;"> b. Branch of Service: ___Army ___Air Force ___Navy ___Marine Corps </div> <div style="width: 30%;"> c. Pay grade: ___E1 ___WO1 ___O1 ___E2 ___WO2 ___O2 ___E3 ___WO3 ___O3 ___E4 ___WO4 ___O4 ___E5 ___O5 ___E6 ___O6 ___E7 ___O7 or above ___E8 ___E9 </div> </div>
7	Victim's age: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> ___1 to 10 years ___11 to 20 years ___21 to 30 years </div> <div style="width: 45%;"> ___31 to 50 years ___Over 50 </div> </div>
8	Victim's gender: ___Female ___Male
9	Victim's race: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> ___White ___Black ___Hispanic ___American Indian/Alaskan Native </div> <div style="width: 45%;"> ___Asian/Pacific Islander ___Other: _____ ___Unreported </div> </div>

10	<p>Initial contact/entry into system:</p> <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Self-referral <input type="checkbox"/> Medical treatment facility <input type="checkbox"/> Commander <input type="checkbox"/> Military police <input type="checkbox"/> Criminal Investigation Command <input type="checkbox"/> Sexual assault response coordinator <input type="checkbox"/> Installation victim advocate (IVA) </div> <div> <input type="checkbox"/> Army Community Service/ Family Advocacy Program <input type="checkbox"/> Chaplain <input type="checkbox"/> Staff duty officer <input type="checkbox"/> Unit victim advocate (UVA) <input type="checkbox"/> Other (list): _____ _____ </div> </div>
11	<p>Type of assault:</p> <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Rape <input type="checkbox"/> Indecent assault <input type="checkbox"/> Forcible sodomy <input type="checkbox"/> Attempted rape </div> <div> <input type="checkbox"/> Attempt to commit indecent assault <input type="checkbox"/> Attempt to commit forcible sodomy <input type="checkbox"/> Other: _____ _____ </div> </div>
12	<p>Location where the assault took place:</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p>a. <input type="checkbox"/> On post CONUS <input type="checkbox"/> On post OCONUS</p> <p><input type="checkbox"/> Off post CONUS <input type="checkbox"/> Off post OCONUS</p> <p><input type="checkbox"/> AOR (specify location): _____</p> </div> <div style="width: 45%;"> <p>b. <input type="checkbox"/> barracks <input type="checkbox"/> tent</p> <p><input type="checkbox"/> billeting <input type="checkbox"/> apartment</p> <p><input type="checkbox"/> dormitory <input type="checkbox"/> other (specify): _____</p> </div> </div>
13	Alcohol involvement (victim): <input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> unknown
14	Drug involvement (victim): <input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> unknown
15	Type of reporting selected by victim: <input type="checkbox"/> Restricted <input type="checkbox"/> Unrestricted (give reason): _____ _____
16	<p>Which services was the victim referred to?</p> <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Sexual assault response coordinator <input type="checkbox"/> IVA </div> <div> <input type="checkbox"/> UVA <input type="checkbox"/> Victim declined services </div> </div>
17	<p>Which services were offered to the victim?</p> <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Victim advocacy <input type="checkbox"/> Referral to civilian or community agency <input type="checkbox"/> Medical </div> <div> <input type="checkbox"/> Legal <input type="checkbox"/> Counseling <input type="checkbox"/> Other (explain): _____ _____ </div> </div>
18	Did the victim receive an initial medical examination? <input type="checkbox"/> yes <input type="checkbox"/> no
19	Was evidence collected? <input type="checkbox"/> yes <input type="checkbox"/> no

20	Relationship of the alleged offender to the victim: ___stranger ___acquaintance ___chain of command (for example, supervisor)
21	Potential for publicity: ___High ___Low
22	Report prepared by: Name: _____ Address: _____ E-mail address: _____ Telephone DSN: _____ Civilian: _____ Fax: _____
23	Name of installation:
24	Number of battalions assigned to the installation:
25	Number of UVAs assigned:
26	Date of UVA initial training:
27	Date of UVA continuing education training:

Instructions for Completing the Sexual Assault Incident Data Collection Report

Report all allegations of sexual assault to the sexual assault response coordinator (SARC) by telephone within 24 hours after the incident. The SARC will contact the USAREUR G1 Sexual Assault Prevention and Response Program Manager immediately on receiving notification of an incident and will forward the written report within 48 hours.

Question	Instructions
1	Enter today's date.
2	Enter the date that the incident occurred
3	Enter the time that the incident occurred (for example, 0300).
4	If this is a new incident that has not been previously reported, mark <i>initial</i> . If this is an update, mark <i>update</i> . If no further services are required by the victim and the court proceedings are concluded, mark <i>closure</i> .
5	<p>Incident report numbers are locally generated and consist of—</p> <ul style="list-style-type: none"> • The code number of the installation where the report is generated (the USAREUR G1 will assign a code). • The last two digits of the fiscal year in which the assault occurred. • The sequential number that corresponds to the number of incidents of sexual assault that have been reported by the SARC in that fiscal year. <p>For example, if an installation with a code of 96 is submitting a report on an assault that occurred in December 2004 and it is the second assault for that fiscal year, the incident report number would be 96-05-002.</p>
6	If the victim is a servicemember, select the category that indicates the victim's affiliation and indicate the victim's pay grade. <i>Civilian</i> includes permanent and temporary employees as well as contractors.
7	Indicate the age of the victim at the time of the assault.
8	Indicate the victim's gender.
9	Indicate the victim's race (select only one category or fill in the blank).
10	Indicate which office or department first became aware of and responded to the incident. If other, specify.
11	Indicate the type of assault.
12	If the assault occurred in more than one location, check all that apply (for example, on post, barracks).
13	Indicate whether the victim had consumed alcohol before the assault occurred. (Any amount of alcohol consumed before (within 24 hours of) the incident constitutes use.)

Question	Instructions
14	Indicate whether the victim had used drugs before the assault occurred. (Any amount of drugs used before (within 24 hours of) the incident constitutes use.)
15	Indicate if the victim selected restricted or unrestricted reporting.
16	Indicate all that apply.
17	Indicate all that apply.
18	Indicate if the victim received a medical examination after the incident.
19	Indicate if any evidence was collected.
20	Indicate if the offender was a stranger, acquaintance, or in the victim's chain of command.
21	Indicate the potential for publicity.
22	Enter the name of the installation.
23	Enter your name, address, e-mail address, DSN and civilian telephone numbers, and fax number.
24	Enter the number of battalions assigned to the installation.
25	Enter the number of UVAs assigned to the unit.
26	Enter the date that the UVA completed initial UVA training.
27	Enter the date of the UVA's most recent continuing education training.

REPORTING SEXUAL ASSAULT

1. Purpose. This enclosure provides the Army's guidelines for victims of sexual assault to report the assault.

2. Mission. The Army is committed to ensuring victims of sexual assault are protected, treated with dignity and respect, and provided support, advocacy, and care. Army policy strongly supports effective command awareness and prevention programs, and law-enforcement and criminal-justice activities that will maximize accountability of the perpetrators of sexual assault. To achieve these dual objectives, the Army prefers complete reporting of sexual assaults to activate both victim services and accountability actions. The requirement for complete reporting, however, may represent a barrier for victims who desire access to services but do not want command or law-enforcement involvement. For this reason, an option for confidential reporting is provided. Confidentiality or confidential reporting is defined as allowing a member of the Army to report a sexual assault only to specified individuals without initiating the investigative process.

3. Commander's Responsibility. Ensuring privacy and providing a confidential-disclosure option for sexual assault victims is critical to discharging our commitment. Sexual assault is the most underreported violent crime in our society and in the military. Although the victim's decision to report is a crucial step after a sexual assault, the assault often goes unreported because of the victim's desire for no one to know what happened. Commanders have a responsibility to ensure community safety and due process of law, but they must also recognize the importance of protecting the privacy of victims under their command. Subject-matter experts agree that a system that promotes privacy and confidentiality can encourage victims to come forward to provide information about being assaulted.

4. Reporting.

a. Restricted Reporting. A person who is sexually assaulted and desires medical care, counseling, and victim advocacy without initiating the investigative process should use the restrictive reporting option. Restricted reporting allows a sexual assault victim to confidentially disclose the details of his or her assault to specifically identified individuals and to receive medical treatment and counseling without initiating the official investigative process. Restricted reporting is intended to give victims additional time and increased control over the release and management of their personal information, and to empower them to seek relevant information and support to make more informed decisions about participating in a criminal investigation. A victim who receives appropriate care and treatment and is provided an opportunity to make an informed decision about a criminal investigation is more likely to develop increased trust in the command and may eventually decide to participate in a criminal investigation. Even if the victim chooses not to pursue a criminal investigation, this additional reporting option gives commanders a clearer picture of sexual violence in their command and enhances their ability to provide an environment that is safe, which contributes to the well-being and mission-readiness of all unit members. In particular cases, the prohibition on disclosing covered communications may be waived (para 6). Restrictive reporting procedures are as follows:

(1) Persons who are sexually assaulted and desire restricted reporting under this policy should report the assault to the sexual assault response coordinator (SARC) or a healthcare provider.

(2) Consistent with policy, victims may also report the sexual assault to a chaplain. This policy on restricted reporting is in addition to the protections normally afforded to communications with a chaplain and does not alter or affect those protections.

(3) Healthcare providers will initiate the appropriate care and treatment, and report the sexual assault to the SARC instead of law-enforcement officials or the chain of command.

(4) On notification of a reported sexual assault, the SARC will immediately assign an IVA or UVA if desired by the victim. If the victim has not already been taken to a healthcare provider and desires medical treatment, the SARC will also ensure the victim is taken to a healthcare provider without reporting the incident to law-enforcement officials or the chain of command.

(5) The assigned victim advocate (VA) will give the victim accurate information on the process, including the process of restricted versus unrestricted reporting. In addition, at the victim's discretion or request, the healthcare provider, if appropriately trained and supervised, will conduct a forensic medical examination, which may include the collection of evidence.

(6) If a DOD healthcare provider is not available, the victim will be appropriately referred to a civilian provider for the forensic examination.

(7) The victim must acknowledge in writing his or her understanding that restricted reporting may limit the ability of the Government to prosecute the assailant, and that he or she understands the reasons why Army policy favors unrestricted reporting.

(8) For purposes of public safety and command responsibility, the SARC will report information concerning incidents of sexual assault, without information that could reasonably lead to the personal identification of the victim, to command officials within 24 hours after the incident.

b. Unrestricted Reporting. A person who is sexually assaulted and desires medical treatment, counseling, and an official investigation of his or her allegation should use normal reporting channels (for example, the chain of command or law-enforcement officials) or report the incident to the SARC.

(1) On notification of a reported sexual assault, the SARC will immediately assign an IVA or UVA if desired by the victim. If the victim has not already been taken to a healthcare provider and desires medical treatment, the SARC will also ensure the victim is taken to a healthcare provider.

(2) At the victim's discretion or request, the healthcare provider, if appropriately trained and supervised, will conduct a forensic medical examination, which may include the collection of evidence.

(3) Details regarding the incident will be limited to only those personnel who have a legitimate need to know.

5. Confidential Communication. Regardless of whether the victim chooses restricted or unrestricted reporting, confidentiality of medical information will be maintained in accordance with guidelines on health information privacy.

a. Covered communications are oral, written, or electronic communications of personally identifiable information made by a victim to the SARC, the assigned VA, or a healthcare provider in relation to the sexual assault. If a victim chooses the restricted reporting option, the SARC, assigned VA (whether military or civilian), and healthcare providers may not disclose covered communications to law-enforcement or command authorities, either within or outside DOD, except as follows or as outlined in paragraph 6 below:

(1) For purposes of public safety and command responsibility, the SARC is responsible for reporting information concerning incidents of sexual assault, without information that could reasonably lead to the personal identification of the victim, to command officials within 24 hours after the incident.

(2) If information about a sexual assault is disclosed to the commander from a source independent of the restricted reporting, the commander may report the matter to law-enforcement officials. In this case, law-enforcement officials are authorized to initiate an independent investigation of the matter. In addition, a victim's disclosure of his or her sexual assault to persons outside the protective circle of the persons covered by this policy may result in an investigation of the allegations.

b. This policy does not create any actionable rights for the alleged offender or the victim, nor does it constitute a grant of immunity for any actionable conduct by the alleged offender or the victim. Covered communications that have been disclosed may be used in disciplinary proceedings against the alleged offender or the victim, even if such communications were improperly disclosed.

c. Improper disclosure of covered communications, improper release of medical information, and other violations of this policy are prohibited and may result in disciplinary actions under the Uniform Code of Military Justice, loss of credentials, or other adverse personnel or administrative actions.

6. Exceptions to Confidentiality.

a. If a victim chooses the restricted reporting option, the prohibition on disclosing covered communications may be waived to permit disclosure to the following persons or entities for the following reasons:

(1) To command or law-enforcement officials when the disclosure is authorized by the victim in writing.

(2) To command or law-enforcement officials when the disclosure is necessary to prevent or lessen a serious and imminent threat to the health or safety of the victim or another individual.

(3) To disability-retirement boards and officials when disclosure by a healthcare provider is required for fitness for duty for disability-retirement determinations.

NOTE: Disclosure under these circumstances is limited to information that is necessary to process disability-retirement determination.

(4) To a SARC, VA, or healthcare provider when disclosure is required for the supervision of direct victim services.

(5) To military or civilian courts of competent jurisdiction when disclosure is ordered by or is required by Federal or State statute.

NOTE: SARCs, VAs, and healthcare providers will consult with their servicing legal office to determine if they have a duty to comply with a court order to disclose covered communications and other information that will identify the victim. Until a determination is made, only non-identifying information should be disclosed.

b. In accordance with DOD Regulation 6025.18, healthcare providers may also advise the command any possible adverse impact a victim's medical condition and prognosis will have on the victim's ability to perform his or her duties. However, the specific details of the sexual assault must still be treated as a covered communication and may not be disclosed.

SEXUAL ASSAULT REVIEW BOARD

1. General. This enclosure prescribes the mission, responsibilities, procedures, and policy pertaining to installation-level sexual assault review boards (SARBs) in both garrison and deployed environments. In deployed environments, SARBs will be convened at brigade level or higher, as appropriate, and follow the same format as the SARB in a garrison environment.

2. Mission. The SARB provides executive oversight of, procedural guidance for, and feedback concerning the Sexual Assault Prevention and Response Program. This board reviews the prevention program and the response to any incidents of sexual assault. This includes reviewing cases and procedures to improve processes, system accountability, and victim access to high-quality services.

3. Composition. The garrison commander is responsible for the SARB and will convene this multidisciplinary board each month. The installation sexual assault response coordinator (SARC) must be a member of this board.

a. The SARB will consist of the following military or civilian professionals:

- (1) The SARC or deployable SARC (as appropriate).
- (2) The installation victim advocate (IVA) and any victim advocates involved in the cases being reviewed.
- (3) A representative from the Criminal Investigation Command (CID) (or other service military criminal investigative organizations, if required).
- (4) The staff judge advocate (SJA) or a representative.
- (5) The garrison provost marshal or a representative.
- (6) Any law enforcement personnel involved in investigating the cases being reviewed (military or civilian police services).
- (6) The chaplain or a representative.
- (7) The sexual assault clinical provider or sexual assault care coordinator.
- (8) The Chief, Behavioral Health, United States Army Europe Regional Medical Command.
- (9) The commanders of the victims and the alleged offenders (as appropriate).

b. Other members may be appointed by the nature of their responsibilities as they pertain to sexual assault (for example, victim witness liaisons, the public affairs officer, the Alcohol and Substance Abuse Program (ASAP) representative).

4. Responsibilities.

a. The garrison commander or a designated representative will chair the SARB and will—

(1) Convene SARB meetings at least monthly to review sexual assault cases.

(2) Provide SARB findings through appropriate command channels noting deficiencies in processes and procedures for preventing or responding to incidents of sexual assault.

(3) Implement process improvements to ensure system accountability and an effective victim services program.

(4) Ensure that multidisciplinary sexual assault prevention and response service providers are receiving appropriate training and have the necessary resources to do the job.

(5) Facilitate monthly victim updates.

(6) Maintain the integrity of confidential cases.

b. SARB members will—

(1) Perform required functional tasks as designated by applicable regulations and as directed by the garrison commander.

(2) Conduct ongoing reviews of procedures for each alleged sexual assault case for compliance with regulations and local policy in keeping with the accepted high standards of victim care.

(3) Meet at least monthly to review the handling and disposition of all alleged sexual assault cases, and provide recommendations to the SARB on ways to improve the processing of these cases.

(4) Participate in training as required.

NOTE: SARB members will determine sexual assault prevention and response training needs by monitoring each alleged sexual assault incident and submit appropriate training recommendations to the SARB.

PUBLIC AFFAIRS PLAN

USAREUR Public Affairs Sexual Assault Prevention and Response Program 2005

1. Purpose: The purpose of this campaign is to inform, educate, and demonstrate to our internal and external audiences USAREUR's continuing resolve to prevent sexual assault; assist and support victims who report incidents to their chain of command, law enforcement, and other Army representatives; and hold offenders accountable by taking all appropriate administrative and judicial actions based on the facts and circumstances of each case.

a. The Command Information Division, Office of the Chief, Public Affairs (OCPA), HQ USAREUR/7A, will execute a proactive, progressive program to ensure all audiences know that sexual assault has no place in our Army. The campaign will include information on leadership responsibilities, danger periods, and programs in place to help victims. This information will be included in articles for the USAREUR homepage, subordinate unit Web sites, and garrison newspapers; command information (CI) spots for American Forces Network television and radio; and CI television and news features.

b. The Media Relations Division, OCPA, will take an active role by using every opportunity to stress that sexual assault has no place in our Army. The campaign prescribes ways for commanders to provide a safe and healthy environment for those in their charge and includes programs in place to help victims.

2. Sexual Assault Campaign Theme:

"NOT IN OUR ARMY"

3. Messages:

- Sexual assault is a violent crime that has no place in our Army. It is incompatible with Army Values and the Warrior Ethos.
- Commanders at all levels are responsible for providing a safe, healthy environment for those in their charge.
- Commanders must take action to prevent sexual assault and to protect and support victims.
- Commanders must hold offenders accountable by taking all appropriate administrative and judicial actions based on the facts and circumstances of each case.
- Commanders will conduct effective, meaningful preventive sexual-harassment training.
- Victims of sexual assault will be treated with fairness and respect for their dignity and privacy.
- Commanders must ensure victims are aware of the personnel and agencies available to help.
- Victims deserve professional, competent, and compassionate assistance, including long-term follow-up.

- Victims of sexual assault have the right to be notified of court proceedings.
- Victims of sexual assault have the right to information about the conviction, sentencing, imprisonment, and release of the offender.
- Sexual assault is the second most-reported felony in the Army in Europe. You can reduce your risk of becoming a victim.
- Young Soldiers (private through specialist) are the most likely victims of sexual assault. Make responsible choices, use the buddy system, and reduce your risk of sexual assault.
- 76 percent of sexual assaults occur in unlocked barracks or Government quarters. Keep your living area secure.
- 74 percent of sexual assaults (including rape) involve alcohol. Even one alcoholic beverage can impair your judgment.
- Maintain heightened awareness during the “danger hours.” Most sexual assaults occur between 0100 and 0500 on Saturday mornings, but be aware that sexual assault can occur anytime.
- Do not be a “disinterested party.” Keep this from happening in our Army.

4. Target Audiences:

- Potential victims
- Potential offenders
- Potential witnesses
- Military workforce
- Commanders
- Family Members
- Community Members
- Public

5. OCPA POCs: The Media Relations Division POC is Lieutenant Colonel Crichton, DSN 370-8694 or e-mail: jane.crichton@hq.hqusareur.army.mil. The CI POC is Ms. Jackson, DSN 370-6643 or e-mail: jacksonc@hq.hqusareur.army.mil.



DEPARTMENT OF THE ARMY
UNITED STATES ARMY, EUROPE, AND SEVENTH ARMY
UNIT 29351
APO AE 09014-9351

AEAJA-MC

15 April 2004

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Army in Europe Command Policy Letter 31, Victim/Witness Assistance Program

1. References:

- a. DOD Directive 1030.1, Victim and Witness Assistance, 23 November 1994.
- b. DOD Instruction 1030.2, Victim and Witness Assistance Procedures, 23 December 1994.
- c. AR 27-10, Military Justice (chapter 18), 6 September 2002.

2. Victim/witness assistance programs protect the lives and property of members of the military community and the general public. They also help victims and witnesses of crimes. The goals of these programs are to—

- a. Reduce the physical, psychological, and financial hardships suffered by victims and witnesses of offenses investigated by the Army.
- b. Foster the full cooperation of victims and witnesses within the military criminal justice system.
- c. Ensure that victims and witnesses of crimes are advised of and given the rights prescribed by law and Army regulations.

3. Staff Judge Advocates (SJAs) in the European theater are responsible for implementing and supervising victim/witness assistance programs within their general court-martial jurisdictions. SJAs will designate, in writing, one or more victim/witness liaisons to administer these programs. Victim/witness liaisons, along with victims' advocates, will serve as POCs through which victims and witnesses may get information and assistance in obtaining victim/witness services. Victim/witness liaisons will also provide information to victims and witnesses at the earliest possible time about significant events during the investigation, prosecution, and punishment of a crime.

4. An effective victim/witness assistance program must be multidisciplinary. Everyone has a role in helping the victims and witnesses of crimes. Chaplains; corrections and confinement facility personnel; family advocacy and family services personnel; health-care services personnel, including victims' advocates; investigative and law-enforcement personnel; SJAs and other legal-services personnel; and unit commanding officers and noncommissioned officers must be actively involved in the program.

5. Victims' advocates are an active voice in the community on behalf of victims of sexual assaults. The medical treatment facility social worker on call will serve as the victim's advocate for all sexual assault victims who show up at the emergency room. The goals of the social worker on call are to—

- a. Establish a therapeutic relationship with the patient and offer assistance as a helper and advocate in an empathetic, nonjudgmental, and supportive atmosphere.

This letter is available at <https://www.aeaim.hqusareur.army.mil/library/>.

Encl 8

AEAJA-MC

SUBJECT: Army in Europe Command Policy Letter 31, Victim/Witness Assistance Program

b. Help the patient regain control of his or her own body by explaining examination procedures and emphasizing the reasons for performing the examination, but ultimately allowing the patient to make decisions about immediate treatment and procedures. The social worker on call will offer to remain with the patient to provide support until all the procedures are completed and a disposition satisfactory to the patient is arranged.

c. Help the patient with practical matters, such as notification of family, if desired; transportation; change of clothing; admission procedures; and other needs.

d. Arrange for a follow-up appointment with Social Work Service personnel the following day or as soon as the patient is available.

e. Help develop an individualized, long-term mental and physical health-care plan.

f. Maintain a supportive role as the victim's advocate for as long as the victim requires care.

6. Commanders will ensure their personnel are familiar with the *DOD Victim and Witness Bill of Rights*, under which victims and witnesses of crimes have the following rights:

a. The right to be treated with fairness, dignity, and a respect for privacy.

b. The right to be reasonably protected from the accused offender.

c. The right to be notified of court proceedings.

d. The right to be present at all public court proceedings related to the offense, unless the court determines that testimony by the victim would be materially affected if the victim heard other testimony at trial, or for other good cause.

e. The right to confer with the attorney for the Government in the case.

f. The right to restitution, if appropriate.

g. The right to information regarding the conviction, sentencing, imprisonment, and release of the offender from custody.

7. Victim/witness assistance programs provide valuable services to victims and witnesses of crimes. Commanders will ensure that their personnel are aware of these programs.



B. B. BELL
General, USA
Commanding

DISTRIBUTION:
A (AEPUBS)

COMMANDER'S TIPS FOR CREATING A SAFE BARRACKS

1. Survey Unit Barracks Areas. Unit commanders should identify doors and windows that do not lock properly and have them repaired. Check all lights, inside and outside, and replace or repair light fixtures and bulbs. Ensure Soldiers have keys to their barracks and barracks room (barracks doors are often left unlocked because a Soldier has lost his or her key). This includes any transient barracks facilities that the unit uses for temporary housing. Work with the garrison to eliminate dark areas.

2. Barracks Rules. Unit commanders and leaders should frequently visit barracks—especially during the weekends and during late night and early morning hours. Work with Soldiers living in the barracks to establish housing guidelines that ensure good order and discipline in the barracks. These guidelines should address at least the following: visitor control, alcohol use and limitations, parties, noise, personal appearance in and around the barracks, and room assignments. Soldiers who have a say in their own house rules are more likely to follow them. Conduct barracks meetings routinely (perhaps monthly) to address barracks problems and methods to correct those problems. Commanders may want to consider putting a charge of quarters (CQ) in the barracks as a means of providing additional security and supervision for barracks occupants. Checks should include ensuring room doors are locked.

3. Transient Barracks. Transient barracks tend to have little or no supervision and are an environment conducive to sexual assaults. Unit commanders and other leaders should make these barracks a priority to visit to ensure the health and welfare of their Soldiers. Commands who are the predominant users of these facilities should coordinate barracks rules and post them. Emergency telephone numbers (for example, for the police, the staff duty noncommissioned officer (SDNCO), and the fire station) should be posted prominently at the communal telephone area. Commanders should consider not placing newly assigned female Soldiers in transient billets or in barracks where they are alone.

4. New Soldiers. Unit commanders and leaders should ensure all new Soldiers know unit policy and know where to go in the event of an incident in the barracks. If the organization has an SDNCO, new Soldiers should be aware of the SDNCO's location. Consider assigning new Soldiers, especially new female Soldiers, a buddy. The intent is to have someone look out for them. Another possibility is to assign a female officer or noncommissioned officer as a mentor to the women in the unit.

5. Soldier Training. Unit commanders and other leaders should conduct education and training on sexual behaviors, attitudes, and assault. This can be addressed (as safe driving is) at unit safety briefings before holiday weekends. Invite the local community health nurse to discuss trends in sexually transmitted diseases, the local staff judge advocate to discuss victim rights and the legal aspects of sexual assault, and the local provost marshal and Criminal Investigation Command personnel for discussions about personal protection and trends regarding cases. Commanders should also address alcohol abuse during training as a preventive measure. Training is best when creative ways are used to convey information.

6. Knowledge of an Assault. When the unit leadership is made aware of a sexual assault, follow the commander's "battle drill" (encl 11), regardless of when the incident occurred. The immediate involvement of the military police gets the victim into both the investigative system and the medical and psychological care system. Ensure the victim is not left alone, does not bathe or change clothes, and is not asked any questions about the case. Do not discuss the case where others who do not have a need to know can overhear.

7. Family Readiness Groups (FRGs). Commanders should also address sexual assault with FRGs. The same training provided to Soldiers should be made available to FRGs. The community Safe Neighborhood Awareness Program (SNAP) coordinator can provide briefings and assistance for those who live in housing areas. Discuss preventive measures with the spouses of deployed Soldiers and provide them POCs in case they need assistance. This is not just for them, but also for teenage children. During deployments, rumors can be a command distracter. Immediately address family concerns to alleviate unnecessary stress. Building a bond and trust with the families of deployed Soldiers will support your mission of caring for your Soldiers.

**COMMANDER'S PHYSICAL SECURITY
CRIME (SEXUAL ASSAULT) PREVENTION CHECKLIST**

Unit Inspected:	Date Inspected:	
Inspectors:		
SECTION I - UNIT COMMANDERS		
General	Yes	No
Does the unit have a crime-prevention program according to AR 190-13?		
Is an officer or noncommissioned officer (NCO) (staff sergeant or above) appointed in writing as the unit crime-prevention officer or NCO?		
Are new unit personnel briefed on crime prevention and personal-security procedures, and is the briefing incorporated into regularly scheduled training?		
Are procedures or standing operating procedures (SOPs) established to ensure the safety and security of personnel?		
Are unannounced checks made of unit areas?		
Is sexual assault prevention training conducted and is the training documented and kept on file?		
Does the command place emphasis on the prevention of sexual assault and other related crimes?		
Are corrective action plans initiated when deficiencies are reported or noted?		
Has the commander prohibited or limited the consumption of alcohol in the barracks?		
Does the unit have an established visitor policy that prohibits visitors after a designated hour and is this policy enforced?		
Does the unit have the most-current list of off-limit areas in the community posted?		
Are incidents of sexual assault reported immediately to the provost marshal and the sexual assault response coordinator (SARC)?		
Is sexual assault prevention discussed in unit safety briefings at high-risk periods, such as during pre- and post-deployment and before holiday weekends?		
Are Soldiers aware of sexual assault risk factors and basic preventive techniques?		
Does the unit consider sexual assault prevention when arranging sleeping quarters in a deployed environment?		

Crime-Prevention Standing Operating Procedure (SOP)	Yes	No
Does the unit have a written unit-level crime-prevention SOP?		
Does the SOP address the prevention of sexual assault?		
Does the SOP explain the responsibilities of the crime-prevention officer or NCO or the senior occupant?		
Does the SOP outline individual security responsibilities?		
Does the SOP outline unit security responsibilities, including providing for unit security procedures and education on the prevention of sexual assault?		
Does the SOP include POC information for reporting incidents (military police desk and the SARC), crime-prevention surveys (Criminal Investigation Command), and physical security for access control or structural deficiencies (garrison provost marshal physical security staff)?		
Does the SOP address the random conduct of unit-level crime-prevention inspections and surveys of workareas and barracks?		
Are emergency telephone numbers posted on all public and pay telephones?		
Charge of Quarters (CQ)	Yes	No
Are unit CQs used when barracks buildings are not equipped with adequate exterior and interior locking devices to control access?		
Does the CQ have written instructions that outline specific security checks to be made when he or she is on duty?		
Does the CQ follow established procedures when conducting these checks?		
Does the unit have a visitor's register system to identify strangers in the barracks?		
Is the CQ required to maintain a duty log while on duty?		
Does the CQ have a current roster of unit personnel and their room numbers?		
Are unit offices, locker rooms, dayrooms, and storage rooms secure when not in use?		
Is access to offices, dayrooms, barracks, and other rooms and areas controlled or monitored by the CQ or by electronic means?		
Does the CQ conduct periodic checks to make sure barracks-room doors are locked?		

Billets / Barracks	Yes	No
Are specific procedures or safeguards used to control unauthorized access to unit facilities?		
Are crime-prevention posters displayed to ensure maximum visibility?		
Are all rooms adequately secured when occupants are asleep or absent?		
Do locks on exterior doors provide adequate security?		
Are exterior doors equipped with peepholes so that occupants can see who is outside the door?		
Are hallway, stairwell, and basement lights left on at all times or equipped with a motion-activated switch to prevent someone from turning them off?		
Building Exterior and Parking Lots	Yes	No
Are building exterior and parking-lot lights adequate and operational?		
Are all building doors and windows secured?		
Is access to the facility controlled when the facility is occupied?		
Is access to the entire facility controlled?		
Is access to the area surrounding the facility controlled when the facility is occupied?		
Are trash receptacles, landscaping features, and other features more than 1 foot high within 30 feet of the facility, and do they offer concealment for an aggressor?		
Is the facility surrounded by a perimeter fence?		
Is the fence that surrounds the facility at the required minimum distance from the facility?		
SECTION II - GARRISON COMMANDERS		
General	Yes	No
Does the community have a crime-prevention program in accordance with AR 190-13?		
Is an officer or NCO (staff sergeant or above) appointed in writing as the community crime-prevention officer or NCO?		
Are crime-prevention surveys conducted in accordance with FM 3.19-30, appendix B?		
Do crime-prevention surveys address the security of the particular facility as well as its surrounding area?		
Does the community maintain, publish, and post a current list for off-limit areas in the community?		

Are personnel who are new to the community briefed on crime prevention and personal security procedures, including sexual assault, and is this briefing incorporated into regularly scheduled community inprocessing training?		
Does the community crime-prevention officer or NCO or the supporting community military police conduct unannounced inspections, and are required corrective actions initiated?		
Are unannounced checks made of clubs, gyms, and other public areas?		
Do the military police and other first responders receive rape-victim sensitivity training?		
Are emergency telephone numbers posted on all telephones, including public and pay telephones?		
Crime-Prevention Plan	Yes	No
Does the community have a published community-level crime-prevention plan?		
Does the community crime-prevention plan address the prevention of sexual assault?		
Does the plan explain the responsibilities of the crime-prevention officer or NCO or other key personnel responsible for crime-prevention program management?		
Does the plan outline individual, unit, and activity security responsibilities?		
Does the plan outline community security responsibilities, including providing community-wide security education and training on the prevention of sexual assault?		
Does the plan include a section that identifies reporting procedures for all types of crime?		
Does the plan include a section that addresses random community crime-prevention inspections and surveys of public, work, housing, and barracks areas?	Yes	No
Public Facilities		
Are specific procedures or safeguards used to control unauthorized access to public facilities?		
Are crime-prevention posters displayed to ensure maximum visibility?		
Are all rooms adequately secured when not in use?		
Do locks on exterior doors provide adequate security?		
Are hotel-room doors equipped with peepholes so that occupants can see who is outside the door?		
Are hallway, stairwell, and basement lights left on at all times or equipped with a motion-activated switch to prevent someone from turning them off?		

Housing and Barracks Facilities	Yes	No
Are specific procedures or safeguards used to control unauthorized access to housing and barracks facilities?		
Are crime-prevention posters displayed to ensure maximum visibility?		
Are all rooms, buildings, and storage facilities adequately secured when not in use?		
Do locks on exterior doors and windows provide adequate security?		
Is key control properly maintained and locks replaced when the current occupants move out?		
Are parking lots and building entryways equipped with adequate lighting?		
Is the physical structure (for example, doors, doorframes, locking devices) adequate to prevent or delay forced entry?		
Are exterior doors equipped with peepholes so that occupants can see who is outside the door?		
Are hallway, stairwell, and basement lights left on at all times or equipped with a motion-activated switch to prevent someone from turning them off?		
Building Exteriors and Parking Lots	Yes	No
Are building exterior and parking-lot lights adequate and operational?		
Are all building doors and windows secured?		
Is access to the facility controlled when the facility is occupied?		
Is access to the entire facility controlled?		
Is access to the area surrounding the facility controlled when the facility is occupied?		
Are trash receptacles, landscaping features, and other features more than 1 foot high within 30 feet of the facility?		
Are items that obstruct view or provide concealment within 30 feet of the facility?		
Is the facility surrounded by a perimeter fence?		
Is the fence that surrounds the facility at the required minimum distance from the facility?		
Are security cameras used as a crime-prevention measure?		
Do military police or other designated personnel conduct security checks and make random security patrols of both public and private areas (for example, housing and barracks)?		

COMMANDER'S "BATTLE DRILL"

Commander Actions When a Sexual Assault Incident is Reported

1	Ensure the physical safety of the victim. Determine if the alleged assailant is still nearby and if the victim needs protection.
2	Advise the victim of the need to preserve evidence (for example, by not bathing, showering, or washing garments).
3	Encourage the victim to report the incident and get a medical examination immediately (even if the incident occurred before the past 72 hours).
4	Make appropriate administrative and logistical coordination for the movement of the victim to receive care. (Involve the minimum number of personnel possible and only on a need-to-know basis.) (<i>in theater</i>)
5	Ask if the victim needs a support person (for example, a friend, victim advocate, chaplain, or other professional) to immediately join the victim.
6	Notify the sexual assault response coordinator (SARC), who will explain to the victim the victim advocacy services available and appoint a victim advocate if one is desired.
7	Notify the chaplain if the victim requests pastoral counseling or assistance.
8	<p>Notify the Criminal Investigation Command (CID), military police, garrison provost marshal (AR 195-1, para 6), and commanders in the chain of command (as appropriate) within 24 hours (as soon as the victim's safety is established and arrangements have been made for medical treatment), and—</p> <ul style="list-style-type: none"> • Limit the details regarding the incident to only personnel who have a legitimate need to know. • Take action to safeguard the victim from any formal or informal investigative interviews or inquiries, except by personnel who may have a need to know (including but not limited to CID investigators and the trial counsel). • Collect only the necessary information (for example, the victim's identity, location and time of the incident, name or description of the offender). Do not ask detailed questions or pressure the victim for responses.
9	Ensure the victim is made aware of and encouraged to exercise his or her options during each phase of the medical, investigative, and legal processes.
10	Ensure the CID informs the victim and witnesses of their rights by giving them a completed DD Form 2701 (AR 27-10).
11	Inform the victim of resources in theater that are available through the Victim / Witness Assistance Program (AR 27-10). Also inform the victim of resources that are accessible in the area of operation (for example, Military One Source (1-800-464-8107 or collect 484-530-5889, 24 hours a day, 7 days a week) and the DOD Deployment Health Support Hotline (1-800-497-6267 from 0900 to 2100, Monday through Friday)).

12	<p>Provide emotional support to the victim:</p> <ul style="list-style-type: none"> • Throughout the investigation, consult with the victim and, to the extent practicable, accommodate the victim's wishes, as long as a full and complete investigation is not compromised. • Listen to and engage in quiet support of the victim, as needed. Also, be available in the weeks and months following the sexual assault, and ensure the victim that she or he can rely on the commander's support. • Emphasize to the victim the availability of additional means of support, and refer the victim to counseling groups and other victim services.
13	<p>Confer with the commander's legal representative, the servicing staff judge advocate (SJA) office, or both to consider legal options, responsibilities (for example, pretrial restraint, military protective order (MPO) (DD Form 2873)), and the appropriate disposition of the alleged offense. If the alleged offender is a foreign national or from a coalition force, confer with the SJA on responsibilities, options, and victims rights (<i>in theater</i>).</p>
14	<p>Determine the best courses of action for separating the victim and the alleged offender during the investigation.</p> <ul style="list-style-type: none"> • Determine whether the victim wants to be transferred to another unit. • Determine if the suspect needs or wants to be transferred to another unit. • Consider whether an MPO (referred to as a "no contact order") is appropriate. • Coordinate with sexual assault treatment and counseling resources and the chain of command (involving as few people as possible and only on a need-to-know basis to protect the victim's privacy) to determine if the victim's condition warrants redeployment or reassignment until a final legal disposition of the sexual assault case has been made and the victim is no longer in danger. To the extent practicable, preferential consideration related to the reassignment should be based on the victim's desires.
15	<p>Flag (suspend favorable personnel actions) any Soldier under charges, restraint, or investigation for sexual assault in accordance with AR 600-8-2, and suspend the Soldier's security clearance in accordance with AR 380-67.</p>
16	<p>Avoid automatically suspending or revoking the victim's security or personnel reliability program clearance when possible, since the victim can be treated for his or her trauma. Consider the negative effect that suspension of a victim's security clearance has on both the victim's emotional condition and the service climate for reporting.</p>
17	<p>Determine how to best dispose of the victim's collateral misconduct. Unless overriding considerations exist, commanders should consider exercising their authority to defer disciplinary actions for the victim's misconduct until after the final disposition of the sexual assault case.</p>

18	Update the battalion or higher-level commander on the status of the victim and the alleged offender within 14 calendar days, and each month thereafter, until the case is officially closed. If the victim or alleged offender is transferred or redeployed before the case is closed, coordinate with investigative and SJA personnel before stopping monthly updates on the individuals involved.
19	Update the victim each month on the sexual assault investigation until its final disposition. Follow up with the victim within 45 days after disposition of the case.
20	Consult with the servicing legal office or criminal investigative organization and notify the assigned victim advocate before taking any administrative action affecting the victim.
21	Ensure unit personnel are kept informed of the risk factors associated with sexual assault, especially those risk factors unique to the deployed environment.

FORMAT FOR APPOINTMENT ORDERS



DEPARTMENT OF THE ARMY

UNIT NAME
UNIT NUMBER
APO AE 00000-0000

OFFICE SYMBOL

date

MEMORANDUM FOR SEE DISTRUBUTION

SUBJECT: Additional Duty Appointment

1. Effective (date) , (grade and name) is assigned duties as the unit victim advocate (UVA).
2. AUTHORITY: USAREUR Message # 0503193, subject: Unit Victim Advocate (UVA) – Army Sexual Assault Prevention and Response Program.
3. PURPOSE: To implement the Army's Unit Victim Advocacy Program as part of the Army in Europe Sexual Assault Prevention and Response Program in the Army in Europe.
4. PERIOD: Until officially relieved or released from this appointment.
5. SPECIAL INSTRUCTIONS: On appointment, the UVA must establish contact with the garrison sexual assault response coordinator (*name, telephone number, and e-mail address*).

MARY M. SMITH
Lieutenant Colonel, AG
Commanding

DISTRIBUTION:
Individual Concerned
Unit Training NCO
SARC